THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13909 of_2005

Dated:12.10.2006

Between
S.Somaiah

.....Petitioner

and

1.The District Collector, Khammam
Khammam District and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13909 of 2005

ORDER:

It appears that the petitioner is the fair price shop dealer of Timmakkapeta village, Thirumalayapalem Mandal, Khammam District since 1982. While so, on the basis of a report of Deputy Tahasildar, Khammam rural, a show cause notice dated 22.12.2002 was issued by the 3rd respondent-Revenue Divisional Officer stating that the petitioner sold the essential commodities to the card holders at higher prices of 50 paise and above. The Deputy Tahasildar also furnished the names of the card holders who complained about the excess collection of prices by the petitioner. The petitioner submitted his explanation stating that he never collected any excess amounts from any of the card holders, may be, in some cases

change of 50 paise could not be given due to non-availability of change, but that itself does not mean, he has collected excess amounts from the card holders. However, on the basis of mere allegation of eight persons, who were neither examined in the presence of the petitioner nor cross-examined by the petitioner, the impugned order was passed by the Revenue Divisional Officer.

Now-a-days, the villages are faction ridden. When there are more than 500 card holders, the allegation of only eight card holders could not have been taken into consideration particularly when they were not examined in the presence of the petitioner. Apart from that, the cancellation of authorization was effected in the month of January, 2003 and now, we are in 2006, no purpose would be served if the matter is remitted back to the Revenue Divisional Officer for conducting fresh enquiry. I am of the opinion that the period from the date of cancellation till date may be treated as suspension as a measurement of punishment.

Accordingly, the writ petition is allowed. No

costs.

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12-10-2006

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